

REMARKS

Claims 1 and 2-41 are active in the present application.

At the outset, Applicants wish to thank the Examiner for the indication that the previous claim objection, indefiniteness rejection, enablement rejection, and anticipation rejection over Saika et al have been withdrawn (see paragraphs 3-6 of the Office Action dated November 22, 2004). Applicants also wish to thank the Examiner for the indication that Claims 3, 5-7, 12-15, 20-23, and 27-37 are allowable (see paragraph 10 of the Office Action dated November 22, 2004). Applicants also request withdrawal of the outstanding rejections in view of the amendments above.

The rejections of: (a) Claims 24-26, 30-33, and 38-41 under 35 U.S.C. §102(b) over Janecka et al; (b) Claims 1, 4, 8-11, and 16-19 under 35 U.S.C. §102(e) over Baudoin et al; and (c) Claims 1 and 24 under 35 U.S.C. §102(e) over Fukuda et al, are obviated by amendment.

Applicants have amended the claims to more specifically define the compounds or peptides of Formula (1). In so doing, Applicants note that none of Janecka et al, Baudoin et al, or Fukuda et al disclose or suggest a compound falling within the scope of the presently claimed invention. The standard for determining anticipation requires that the reference “must teach every element of the claim” (MPEP §2131). Therefore, the failure of Janecka et al, Baudoin et al, or Fukuda et al to specifically disclose or suggest a compound or peptide within the scope of the claimed invention would necessarily make these references fail to anticipate the claimed invention.


Moreover, Applicants submit that the asserted art of record cannot even support a *prima facie* case of obviousness. "To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation... to modify the reference... Second, there must be a reasonable expectation of success. Finally, the prior art reference... must teach or suggest all the claim limitations." (MPEP §2142) Applicants note that none of Janecka et al, Baudoin et al, or Fukuda et al provides any motivation or suggestion to modify their disclosures to arrive at the claimed invention.

In view of the foregoing, Applicants request withdrawal of the rejections over Janecka et al, Baudoin et al, and Fukuda et al. Acknowledgment to this effect is requested.

Applicants submit that the present application is now in condition for allowance.
Early notification of such action is earnestly solicited.

Respectfully submitted,

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